

RESOLUTION NO. - ____ C.S.

Date: <MEETING_DATE>

Item No: <#>

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY

**SETTING RATES EFFECTIVE
JANUARY 1, 2022 FOR RESIDENTIAL AND COMMERCIAL SOLID
WASTE AND RECYCLABLES COLLECTION**

WHEREAS, the costs associated with the collection, disposal, and processing of solid waste and recyclable materials for both commercial and residential parcels in the City of Monterey have increased, and are expected to continue to increase in the future;

WHEREAS, the City's franchisee, Monterey City Disposal Service (MCDS), will be required to replace the majority of their waste collection vehicles by the end of 2022 in compliance with the California Air Resources Board;

WHEREAS, franchise fees associated with the waste hauling contract were increased as a response to the unfunded mandate to implement SB 1383 related to short term climate pollutants;

WHEREAS, MCDS provides street sweeping services in addition to waste collection and is able to provide competitive waste collection rates when compared to other regional jurisdictions;

WHEREAS, revenue derived from the fee will not be used for any purpose other than that for which the fee is imposed;

WHEREAS, the rates imposed upon any parcel or person as an incident of property ownership must not exceed the proportional cost of the service attributable to the parcel;

WHEREAS, the residential and commercial solid waste and recyclables collection fees are not imposed unless used by, or immediately available to, the owner of the property subject to the fee or charge;

WHEREAS, the residential and commercial solid waste and recyclables collection fees or charges are not based on potential or future use of a service;

WHEREAS, pursuant to Proposition 218, the City mailed a notice of the proposed rate increase on October 20, 2021, to all affected parcels;

WHEREAS, on December 7, 2021, the City held a public hearing to consider all protests against the proposed rate increase;

WHEREAS, the total number of written protests presented by the close of the public hearing was less than 50% of the total number of property owners subject to the rate fee increases;

WHEREAS, City staff has reviewed MCDS's requested rate adjustments and concurs with their proposed rate increase for residential and commercial accounts; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes

the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approval set for the below.

BE IT FURTHER RESOLVED that it hereby adopts the attached rate schedule in Exhibit A hereto and that said rates shall become effective on January 1, 2022, and that all previous conflicting resolutions with the exception of Resolution No. 01-224 are hereby rescinded.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____ 2021, by the following vote:

AYES:

COUNCILMEMBERS:

NOES:
ABSENT:
ABSTAIN:

COUNCILMEMBERS:
COUNCILMEMBERS:
COUNCILMEMBERS:

APPROVED:

ATTEST:

Mayor of said City

City Clerk thereof